100TH CONGRESS
2d Session

SENATE

REPORT
100-576

DESIGNATING CERTAIN NATIONAL FOREST SYSTEM LANDS IN THE STATE OF OKLAHOMA FOR INCLUSION IN THE NATIONAL WILDERNESS PRESERVATION SYSTEM, CREATING THE WINDING STAIR MOUNTAIN NATIONAL RECREATION AND WILDERNESS AREA, AND FOR OTHER PURPOSES

SEPTEMBER 30 (legislative day, SEPTEMBER 26), 1988.—Ordered to be printed

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Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry, submitted the following

REPORT

[To accompany S. 2571]

The Committee on Agriculture, Nutrition, and Forestry to which was referred the bill S. 2571, to designate certain National Forest System Lands in the State of Oklahoma for inclusion in the National Wilderness Preservation System, create the Winding Stair Mountain National Recreation and Wilderness Area, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

BRIEF EXPLANATION

S. 2571 would enhance the management and protection of the Ouachita National Forest by establishing several special designations that would give these lands more protection and better management than if they were to be managed under normal multiple use policies. The areas that will be designated for special management are the Black Fork Mountain and Upper Kiamichi Wilderness Areas, the Winding Stair Mountain National Recreation Area, the Beech Creek Botanical Area, the Robert S. Kerr Memorial Arboretum Nature Center and Botanical Area, the Indian Nations National Scenic and Wildlife Area and the Beech Creek National Scenic Area. The entire complex of designations would be known as the Winding Stair Mountain National Recreation and Wilderness Area.

PURPOSE AND NEED

The purpose of S. 2571 is to protect various resource values on the Ouachita National Forest in the State of Oklahoma. Through

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the designation of wilderness areas, a national recreation area, botanical areas, a scenic and wildlife area, and a national scenic area, the bill would protect wildlife and its habitat, scenic and aesthetic values, recreation opportunities, and natural diversity of animal and plant species.

The Ouachita National Forest encompasses lands in both Arkansas and Oklahoma. S. 2571 includes only those lands in the Ouachita National Forest within Le Flore County, Oklahoma. They contain resources that are particularly significant and unique. These include impressive mountain scenery, two popular scenic roadways known as the Talimena Drive and the Holson Valley Road, wildlife such as deer, turkey, bear, cougar, bald eagle, two endangered bat species and many rare plants, including baneberry, Virginia beechdrops, twisted sedge, fly poison, and cucumber trees.

In recent years, Forest Service timber harvesting practices on the Ouachita National Forest have generated considerable controversy. Local residents have strong concerns regarding past forest management activities. In particular, residents voiced strong objections to the use of clearcutting to harvest and regenerate forest stands and the practice of removing hardwood species from the forest and converting mixed forest stands to pine stands. The special designations in S. 2571 address these concerns by protecting the unique scenic and natural characteristics of this national forest.

S. 2571 gives the Forest Service clear management direction in certain areas. However, the Committee also concurs with the report of the House Agriculture Committee on the importance of providing the Forest Service with the flexibility it requires to make local decisions based upon local resource conditions, public concerns, and management needs. However, in the case of the Ouachita National Forest, is appears that past Forest Service management practices have sufficiently angered local residents that they prefer to have management direction for certain areas of the Ouachita National Forest established by statute rather than by Forest Service personnel. This is an unfortunate consequence of past management practices and an action that the Committee takes with some reluctance. The Committee wishes to emphasize its continued support of the existing land management planning process as the proper forum for the determination of management direction for individual national forests.

The Committee fully concurs with the views in parts I and II of House Report 100–792 for the purpose of stating the intention of the Congress in enacting this legislation.

SECTION-BY-SECTION ANALYSIS

Section 1 provides that the short title of this Act will be the "Winding Stair Mountain National Recreation and Wilderness Area Act."

Section 2 contains the standard language on findings and purposes found in most bills that designate wilderness, national recreation areas and other special national forest designations.

Section 3 designates two wilderness areas in the Ouachita National Forest, the Black Fork Mountain Wilderness with approxi-

mately 4,583 acres and the Upper Kiamichi Wilderness with approximately 9,371 acres.

Section 4 contains the standard language pertaining to maps and legal descriptions of wilderness areas.

Section 5 contains the standard language requiring the new wilderness areas to be administered in accordance with the provisions of the Wilderness Act of 1964.

Section 6 contains the standard release/sufficiency language found in most wilderness bills.

Section 7 contains the standard language prohibiting the creation of protective perimeters or buffer zones around wilderness.

Section 8 designates the Winding Stair Mountain National Recreation Area.

Subsection (a) lists the purpose for which the area is established.

Subsection (b) designates approximately 26,445 acres to be included in the national recreation area.

Subsection (c) has standard language on maps and legal descriptions.

Subsection (d) requires the Secretary of Agriculture to administer the area in a way that furthers the purposes for which the area is established. It states that the natural resources within the area can be utilized and managed as long as this is accomplished in a way that is compatible with the purposes of the area. The Committee intends timber to be one of these resources.

Subsection (e) gives specific goals for any timber management that may occur within the national recreation area. These include the protection of scenery including the viewsheds from the Talimena Drive and Holson Valley Road and the use of uneven-aged timber management. The Committee intends that whenever the Act requires the Secretary to use uneven-aged timber management in this and subsequent sections that the Forest Sevice be guided be guided by the following definition:

> Uneven-aged timber management is defined as the application of silvicultural practices and techniques, such as single tree and group selection cutting, needed to provide for the recurring natural regeneration of forests and timber stands which include three or more distinctly different age classes. Group selection shall be defined as removing trees periodically in small groups resulting in openings that do not exceed an average of one-half acre in size.

This subsection, however, also lists exceptions that allow the Forest Service to use even-aged timber management in certain specific instances. Clearcuts are permissible if they are irregular and can be hidden from view from the two scenic roadways by geographic barriers, or if they are needed for public safety or to minimize damage caused by insects, fire and disease. Even-aged management can also be used to allow scenic vistas or recreational development.

The Committee does not intend that the Forest Service be required to harvest timber in the national recreation area.

Section 9 designates two botanical area.

Subsection (a) lists the purpose for which the areas are established and designates approximately 8,026 acres as the Robert S. Kerr Memorial Arboretum, Nature Center and Botanical Area and approximately 400 acres as the Beech Creek Botanical Area.

Subsection (b) contains standard language on maps and legal descriptions.

Subsection (c) requires the Secretary of Agriculture to administer the areas in a way that furthers the purposes for which they are established. Limited vegetative manipulation is allowed to protect and interpret unique plant species and unique plant communities and to allow expansion of facilities in the vicinity of the Kerr Nature Center complex.

Section 10 designates the Indian Nations National Scenic and Wildlife Area.

Subsection (a) lists the purpose for which the area is established and designates the area.

Subsection (b) contains standard language on maps and legal descriptions.

Subsection (c) requires the Secretary of Agriculture to administer the area to further the purposes for which it is established. It also provides goals for any timber management that may occur in the area. These are protecting the scenery and national beauty of the Talimena Drive and Holson Valley Road viewsheds, promoting a mixed hardwood and conifer forest and practicing uneven-aged timber management. The subsection lists the unique circumstances when the Forest Service could use even-aged timber management. These are the same as those listed in Section 8 except listed as exceptions.

Section 11 designates the Beech Creek National Scenic Area.

Subsection (a) lists the purposes for which the area is established and designates the area.

Subsection (b) contains the standard language on maps and legal descriptions.

Subsection (c) requires the Secretary of Agriculture to administer the area to further the purpose for which it is established. It also provides goals for any timber management that may occur in the area. These are to promote a mixed hardwood and conifer forest and to practice uneven-aged timber management. Even-aged management, however, can be practiced to promote public safety and to lessen any damage caused by fire, insects and disease.

The Committee intends that nothing in this section requires the Forest Service to harvest timber.

The Committee intends that if additional roads are constructed in the Beech Creek Scenic Area that such roads should be limited to temporary roads.

Section 12 directs that all the special designations in the Act be referred to as the "Winding Stair Mountain National Recreation and Wilderness Area."

Section 13 requires the Secretary of Agriculture to submit to Congress a report on the timber management program in the Le Flore County, Oklahoma portion of the Ouachita National Forest each year for 20 years. The section lists very specifically all the topics to be covered by the report. These are timber management practices, sale preparation, harvest levels, reforestation, forest pest

and damage problems, roads, vegetation conversion and timber related practices to protect and enhance other multiple uses such as recreation, wildlife and scenery including vegetative cover to screen timber sales from streams, roads and trails.

The report shall also include a statement of the economic impact statement of the Ouachita National Forest in Le Flore County, Oklahoma on the timber, tourism, and recreation industries of the area.

The Committee recommends that the Forest Service, through the forest planning process, work closely with the public to develop timber management guidelines for the general national forest lands in Le Flore County, Oklahoma established by this Act. These guidelines should be the size of clearcuts, providing vegetative cover along steams, roads and trails and maintaining den trees and clumps of mast producing hardwoods.

The Committee directs the Forest Service to establish a visual corridor along the Ouachita National Trail. The exact footage of a visual corridor will be determined through the forest planning process with input from the advisory committee established in this Act and other interested persons or groups. Commercial logging in the corridor will be prohibited.

The Committee received testimony indicating there may be significant mineral potential within some of the areas designated by this legislation outside of the proposed wilderness area. It is the Committee's intention that nothing in this Act would preclude the development of that mineral potential, so long as it is conducted in an environmentally responsible manner, and in a manner which is consistent with current environmental statutes and regulations and the purpose of which the recreation, scenic, and scenic and wildlife areas are established in this Act.

The Committee further recommends that if any contracts are outstanding within the special designations, the Forest Service should renegotiate these contracts if they would result in activities inappropriate to the purposes for which these areas were designated. If such negotiations fail, the Forest Service should be prepared to cancel such contracts.

Section 14—Local Advisory Committee

Section 14 directs the Secretary, no later than 90 days after the date of enactment of the bill, to designate a broad-based local advisory committee for the Ouachita National Forest lands in Le Flore County, Oklahoma to be composed of representatives from the local area in which the Ouachita National Forest is located equally divided among conservation, timber, fish and wildlife, tourism and recreation, and economic development interests. The advisory committee shall provide information and recommendations to the Secretary regarding the operation of the Ouachita National Forest in Le Flore County, Oklahoma.

Section 15 provides direction on the land management planning for the new designations.

Subsection (a) directs the Secretary of Agriculture to amend the Ouachita National Forest plan to include provisions for the management of these new areas.

Subsection (b) requires that the forest plan include a special section on tourism and recreation. However, any provisions in this section must be consistent with the purposes for which the special designations were established.

Subsection (c) directs the Secretary of Agriculture to designate a local advisory group to help prepare the section on tourism and recreation. The Committee intends that the advisory group's participation be incorporated as much as possible, within the guidelines of this subsection, into the normal forest planning process. The Committee recommends that the Oklahoma Department of Tourism and Recreation serve as chairman of the group with all additional members being local in nature. The Secretary has the authority to accept, reject, or revise the advisory group's recommendations. However, the Committee intends that the Secretary give these recommendations serious consideration.

Subsection (d) authorizes up to $15 million for tourism and recreation improvements related to the Winding Stair Mountain National Recreation and Wilderness Area in the Ouachita National Forest in Le Flore County, Oklahoma.

Subsection (e) authorizes and encourages the Secretary to seek local nonprofit entities and the private sector for development of tourism and recreation initiatives in implementing the tourism and recreation section of the plan.

Section 16 will provide that nothing in the bill precludes the Secretary of Agriculture from carrying out measures, consistent with current environmental law and regulations, in the recreation area, the national scenic and wildlife area, the national scenic area, or in the botanical areas established by the bill, as the Secretary, in his discretion, deems necessary in the event of fire, or infestation of insects or disease, or for public health and safety.

The Wilderness Act of 1964 shall govern the Secretary's management of the wilderness areas designated by this bill, with respect to actions which he deems necessary in the event of fire, insects, disease, or for public health and safety.

The Committee recommends that the Forest Service, through the forest planning process, work closely with the advisory committee established in this Act and other interested individuals and groups to develop specific management plans for fire, and insects and disease within the designated wilderness areas. The Committee recognizes that the size and shape of the wilderness areas, the number of inholdings within and private lands adjacent to the wilderness areas dictate that the Forest Service's pay immediate attention to fire, insects and disease in the designated wilderness areas.

Section 17 contains standard language that permits grazing.

Section 18 contains standard language reaffirming the State's jurisdiction over fish and wildlife.

Section 19 directs the Secretary of Agriculture to cooperate with other agencies and organizations when issuing permits for facilities and services within these newly designated areas. The Secretary is encouraged to consider local nonprofit entities and the private sector when issuing these permits.

Section 20 includes provisions for acquiring land.

Subsection (a) authorizes the Secretary of Agriculture to acquire lands within the Winding Stair Mountain National Recreation and Wilderness Area.

Subsection (b) directs the Secretary to give prompt consideration to any offers of land made by individuals and to be sensitive to hardships that these individuals might face if there are delays.

Subsection (c) authorizes the Secretary to acquire lands outside the boundaries of the national recreation and wilderness area for visitor orientation, lodges and other recreation type facilities.

Subsection (d) authorizes the Secretary to acquire lands in Le Flore County, Oklahoma outside the national forest boundaries on a willing seller basis only. Such lands would be incorporated into the Ouachita National Forest.

Section 21 contains standard language stating that the maps and not the acreage figures will control.

LEGISLATIVE HISTORY

On June 27, 1988, S. 2571, the Winding Stair Mountain National Recreation and Wilderness Area Act, was introduced by Senator Don Nickles and Senator David L. Boren and referred to the Committee. The Committee held a hearing on this legislation on September 7, 1988.

On September 28, 1988, the Committee met in open business session. Senator Boren offered an amendment in the nature of a substitute. The amendment was agreed to, and the Committee then ordered S. 2571, as amended, favorably reported to the Senate on a voice vote.

COST ESTIMATE

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate, the Committee estimates that enactment of S. 2571 will have no budgetary impact.

In accordance with the Congressional Budget Act of 1974, the Congressional Budget Office prepared the following cost estimate, which is consistent with the Committee's cost estimate.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 30, 1988.

Hon. PATRICK J. LEAHY,
Chairman, Committee on Agriculture, Nutrition, and Forestry,
U.S. Senate, Washington, DC

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 2571, the Winding Stair Mountain National Recreation and Wilderness Area Act.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM,
Acting Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 2571.

2. Bill title: Winding Stair Mountain National Recreation and Wilderness Area Act.

3. Bill status: As ordered reported by the Senate Committee on Agriculture, Nutrition, and Forestry, September 28, 1988.

4. Bill purpose: S. 2571 would designate approximately 100,000 acres of land in the Ouachita National Forest in Oklahoma as wilderness, recreation, botanical, scenic and wildlife areas.

The act would also require certain timber management activities to be carried out on the designated lands and surrounding forest and would require the Secretary of Agriculture to develop an amendment to the existing forest plan that includes provisions for promoting tourism and outdoor recreation. The Secretary would also be required to appoint an advisory group to assist in developing the tourism and recreation portions of the amendment. Finally, the act would authorize the appropriation of $15 million to prepare and implement the amendment to the forest plan.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1989	1990	1991	1992	1993
Estimated authorization level	2.7	2.4	10.4	1.6	1.6
Estimated outlays	2.3	2.4	3.9	6.0	3.8

The costs of this bill fall within budget function 300.

Basis of estimate: This estimate assumes that S. 2751 will be enacted in October 1988, and that the full amounts authorized will be appropriated beginning in fiscal year 1989. In addition to the $15 million authorized for amendments to the forest plan, CBO estimates that another $4 million will be needed for management planning, signing, maps, and coordination activities over the next five years. These additional administrative and management costs were estimated based on information from the Forest Service. Outlays were projected based on spending patterns for similar programs and activities.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: CBO has previously prepared two estimates for H.R. 4354: one on July 26, 1988, for H.R. 4354, as ordered reported by the House Committee on Interior and Insular Affairs, July 13, 1988, and one on August 8, 1988, for H.R. 4354, as ordered reported by the House Committee on Agriculture, August 3, 1988. The estimated authorization levels and outlays have not changed from those earlier estimates.

9. Estimate prepared by: Michael Sieverts and Theresa Gullo.

10. Estimate approved by: C. G. Nuckols, for James L. Blum, Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee found that S. 2571 is not a regulatory measure in the sense of imposing government established standards or economic responsibilities on private individuals or businesses. The bill is therefore expected to have no regulatory impact on any state or local government or on business.

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